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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 RANDALL MARQUISE EMBRY,

8 Petitioner,

9 v.

10 STEPHEN SINCLAIR,

11 Respondent.

CASE NO. C14-5360 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

12 This matter comes before the Court on the Report and Recommendation (“R&R”)  
13 of the Honorable Theresa L. Fricke, United States Magistrate Judge. Dkt. 61.

14 Petitioner Randall Marquise Embry filed a petition for writ of habeas corpus  
15 under 28 U.S.C. § 2254, challenging the legality of his convictions for the crimes of  
16 attempted murder in the first degree with a firearm enhancement, unlawful possession of  
17 a firearm in the first degree, and conspiracy to commit murder in the first degree. *See*  
18 Dkt. 9. On December 29, 2020, Judge Fricke issued the instant R&R and recommended  
19 that Embry’s petition be dismissed. Dkt. 61.

20 On January 28, 2021, Embry objected to the R&R and requested an extension of  
21 time to file a proper objection as he had been unable able to access the prison’s law  
22 library due to the prison’s COVID-19 safety protocols. Dkt. 62. On March 1, 2021, the

1 Court granted him a 60-day extension to file either supplemental objections or a renewed  
2 motion for an extension of time if the library was still closed. *Id.* at 2. Embry has not filed  
3 objections nor a renewed motion for an extension of time. In the absence of specific  
4 objections, the Court considers the R&R unopposed.

5 The Court having considered the R&R and the remaining record, and no  
6 objections having been filed, does hereby find and order as follows:

7 (1) The R&R is **ADOPTED**;

8 (2) Petitioner Randall Embry's petition for habeas corpus (Dkt. 9) is **DENIED**  
9 **and DISMISSED with prejudice**;

10 (3) A certificate of appealability is **DENIED**;

11 (4) The Clerk is directed to send copies of this Order to Petitioner, to  
12 Magistrate Judge Theresa L. Fricke and to any other party that has appeared  
13 in this action; and

14 (4) This case is closed.

15 Dated this 25th day of May, 2021.

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18 BENJAMIN H. SETTLE  
19 United States District Judge  
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